

Upcoming Training

MDT Contract Plans

Bid Express Training

Are you planning to bid on MDT highway construction projects as a prime bidder?

This training will teach you how to use Bid Express to electronically bid on MDT projects. It is a 3-hour training session scheduled on May 25th at 8:30-11:30am or 1:30-4:30pm or on May 26th at 1:00-4:00pm at MDT Headquarters Building in Helena, MT. RSVP are required by May 13th. If interested or have more questions, contact Chris Clearman at 406-444-6213 or cclearman@mt.gov.

DBE Supportive Services Survey

All Montana DBE-certified companies received a survey to complete. Your input is **very important** - please complete the survey by May 20th. We have sent the survey electronically to email addresses (and hard copy to companies without email addresses). Please call today if you did not receive a survey. Elaine 800-883-5811. Thank you for your cooperation!!

If you did not receive the survey, please go to:
www.montanadbespeedsurvey.com to participate.

Again, Thank You.

NEW ADDITIONS TO DBE LENDING LIBRARY

We are purchasing audio Compact Discs (CDs) of various business topics to help DBE companies learn by listening. They are free to the DBE companies to check out for two weeks. Two new library additions are:

Whale Done! The Power of Positive Relationships by Ken Blanchard (3 CDs/3 hours) Listen and learn how positive reinforcement and redirection can help increase productivity.



Good to Great - Why Some Companies Make the Leap and Others Don't by Jim Collins (5 CDs/6 Hours). Learn level 5 leadership required for greatness, the hedgehog concept, a culture of discipline, how good-to-great companies think differently about technology, and the flywheel and the doom loop.

Please let us know what books or CDs you would like in the DBE Lending Library. Complete list of lending library material is available on our Website.

Thank you. Rebecca

Way to Go



Montana Department of Transportation

DBE Participation



7.74% Yearly Goal

4.70% Current Yearly DBE Participation

Prime contractors with significant DBE participation on April 28, 2005 highway construction bid letting:

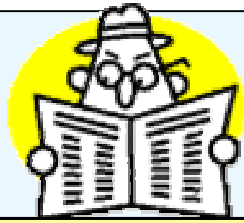


Riverside Contracting 12.65%

JTC Group—Kalispell 52.75% (includes 3 projects)

JTL Group—Missoula 18.63%

JTL Group—Belgrade 18.40%



As Read MDT Bid Letting Results

April 28, 2005



Project No.	Prime Contractor	Low Bid	DBE Participation	
			\$ Amount	%
IM 90-2 (105) 94 7 Km East of Frenchtown Interchange	Riverside Contracting Inc.	\$7,026,333.73	\$888,717.16	12.65%
IM 0002(743) Silver Bow County Interstate Rehab	Jim Gilman Excavating	\$1,353,193.58	\$0.00	0.00%
NH 8-4 (41) 93 Broadwater Co. US 287 Passing Lane	Jim Gilman Excavating	\$2,741,447.57	\$48,564.53	1.77%
BRRF-BR 9039(34) Powell County Bridges	Sletten Construction	\$1,716,882.08	\$60,489.57	3.52%
STPS 357-1(6)5 Madison County - South of Alder	Jim Gilman Excavating	\$1,272,559.42	\$0.00	0.00%
STPP 6-1(103)76 Sanders Co. Plains - Paradise	Riverside Contracting Inc.	\$985,200.39	\$0.00	0.00%
STPP 52-1(26)18 Lake County Yellow Bay North	JTL Group Inc. (Kalispell)	\$717,684.93	\$96,550.00	13.45%
STPS 474-1(6)0 Missoula Co. - DeSmet Interchange West	JTL Group Inc. (Missoula)	\$487,404.35	\$90,825.35	18.63%
NH 5-2 (130) 59 & NH 5-2 (13)67 Lake Co. - Polson- NW & North of	JTL Group Inc. (Kalispell)	\$441,533.21	\$83,252.00	18.80%
BR 9033(14) - Musselshell Co. Half Breed Creek - 10 Km south of Roundup	Winkler Contractors	\$169,600.60	\$0.00	0.00%
STPU 1405(3) & STPU 1406(2) Richland Co. - Lincoln Ave. Central to 6th St. SW - Sidney & Main - 4th	Franz Construction, Inc.	\$256,990.56	\$0.00	0.00%
STPS 567-1(7)0 Lincoln Co. - Libby-North	JTL Group Inc. (Kalispell)	\$190,499.92	\$39,168.00	20.50%
STPS 235-1(12)4 & STPS 345-1(4)6 Gallatin Co. - Bozeman - NW & South of Bozeman - South	JTL Group Inc. (Belgrade)	\$178,728.12	\$32,952.80	18.40%
STPHS 0002(763) & STPHS 7(42) Lewis & Clark & Cascade Co. 2002 - D3 - Signing & 2001 Signing - Vaughn	Rocky Mountain Traffic Control	\$52,443.70	\$0.00	0.00%
Total of all Federal-aid Projects for April, 2005 MDT Bid Letting		\$17,590,502.16	\$1,340,519.41	7.62%

MONTANA DBE COMPANY MONTHLY UPDATE

Newly Certified DBE Companies

None

Re-Certified DBE Companies

Advanced Technologies Integration	Minneapolis	MN	Computer visualization graphics, Consulting
B. Fritch Trucking	Pocatello	ID	Truck hauling (dirt/aggregate supplies)
HL Construction	Billings	MT	Traffic Control, Guardrail, Bridge Rail
Shapiro and Associates, Inc.	Seattle	WA	Consultant-Wetland Studies, Air Pollution

Re-Cert Denied

Sharon Greene & Associates	Tustin	CA	Consultant-Railroad, Rapid Transit
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DBE COMPANY SPOTLIGHT

Tim Zimmerman, Montana DBE-Certified Trucking Firm

Tim started his trucking business in 1981 by hauling crude oil.

In 1997, he started hauling water and construction materials on highway construction projects. Tim's recent projects have included hauling aggregate material and asphalt on highway and airport construction projects for Century Construction Company and EH Oftedal & Sons.

Tim J. Zimmerman Trucking's headquarters are in Hardin, Montana with two belly dump trucks (3-axle) and two 1994 Kenworth T900 trucks. Tim works throughout the state of Montana and is looking to do business in Nevada and Wyoming. He is currently working on the Oswego highway construction project. Tim has contracted with approximately 12 independent truck owners from the Fort Peck reservation to haul road material for EH Oftedal.

Tim's advice to other business owner is to continuing work to build a good rapport with all customers (prime contractors, other subcontractors, and MDT) by keeping the communication lines open.



How to file on a bond!

How do you file on a project bond on a state project?

You will need to refer to state law, the Montana Code Annotated, 18-2-201 to 18-2-208, Public Contracts-Construction Contracts-Performance, Labor and Materials Bonds.



Subcontractors and suppliers must take care if they wish to protect their rights to file on a prime contractor's bond. From section 18-2-206, MCA, a subcontractor or supplier should do the following no later than 30 days after the date that it starts work on the project, or provides materials or supplies for it, to give a required notice of a right of action on the security to the prime contractor:

- “(2) (a) The notice must be delivered personally or sent by certified mail to the contractor.
(b) The notice must be in writing and state:
- (i) that it is a notice of a right of action on the security;
 - (ii) that the person, firm, or corporation giving the notice has commenced to deliver provender, provisions, materials, or supplies;
 - (iii) the name of the subcontractor or agent who placed the order or to whom the provender, provisions, materials, or supplies were delivered; and
 - (iv) that the contractor and the contractor's security will be held for the unpaid price if the supplier is not paid.”

If a subcontractor or supplier does not send the required notice within that time frame, it may not be able to sue against the contractor or the security to recover unpaid services. You should direct any questions about this or the statutes to your attorney.

Understanding Contract Language - Workshop

Penny Knoll was the speaker for this class. She instructed the class about the verbiage used in the standard contracts from AGC and AIA and what language to look at that warrants more description/attention.

Recommendations:

- A contract should be entered into and performed with an awareness and understanding of principles of contract interpretation.
- A contract should be written in ink, preferably blue ink. "The faintest ink is better than the strongest memory."
- A contract should fully allocate risk between parties for the entire contract. Remember: You should never take on any form of risk if you can not financially afford to lose money.
- Important contract terms should be clearly defined.
- A contract should include an order-of-precedence clause.
- Read the contract completely before signing otherwise you are signing a BLANK check.

Very broad, ambiguous terms in a contract that need further defining by the parties include Mutual Trust, Good Faith, Fair Dealing, Harmony, Cooperation, Reasonable Cause, Unfit or Unskilled, Workmanlike Manner, Expeditious Execution, Satisfactory and Proper Installation, Good Quality, Normal Wear and Tear, Defective Work, Reasonable Manner, Now or In the

Future (Hazardous Materials), Timely Manner, Equitably Adjust, In Reasonable Detail, Causes Beyond Control, Mitigate, Expeditiously and In Good Faith, Change Order, Timely Fashion, Including But Not Limited, Including Without Limitation.

If the schedule is attached to the contract, it becomes legally binding.

Don't cross out and initial changes on a contract. Instead include the contract clause and change in the special provisions of the contract. (Be careful not to change the contract scope with initialed changes).

Substantial Completion is defined at the time when the space can be occupied; usually the warranty starts and the owner's (not contractor's) insurance is now in place.

Penny's recommended books for contractors to read are:

- Common Sense Construction Law - The Practical Guide for The Construction Professional, Smith, Currie & Hancock's
- Construction Dictionary, The National Association of Women in Construction
- Legal Aspects of Architecture, Engineering and the Construction Process, Justin Sweet, Brooks/Cole Publishing Company
- Quality Management, David L. Goetsch and Stanley B. Davis



Good Ethics is Good Business—Workshop

Roger Kruckenberg, as key speaker, provided excellent information for contractors to consider for conducting business in an ethical manner.

Ethics and Character means learning to make ethical decisions based on a model that facilitates behavior contributing to the common good.

Four questions to ask to determine ethical solution to any situation:

- What is my motive in doing this act? (My Intentions)
- What is the applicable law or policy governing this act?
- What are the possible consequences of my actions?
- What are my moral principles regarding this act?

Become a person of character and integrity - that means narrowing the gap between what you say and what you do. Say what you mean, do what you say, and when you don't,

admit it. It also means increasing your concern for the well-being of others as well as yourself.

Test if your action is ethical

Morning-After Test: How will you feel about this behavior tomorrow morning?

Front-Page Test: How would you like to see this behavior written up on the front page of your hometown newspaper?

Mirror Test: How will you feel about this behavior when you look in the mirror?

Role Reversal Test: How would you feel about being on the receiving end of this behavior?

Common Sense Test: What does everyday common sense say about this behavior?

How to Win the Fight! Change Orders & Claims

Anwar Hafeez was the speaker for this class sponsored by the American Subcontractors Association of Montana. Here is some information that was covered in this class.

Prepare your own schedule and give it to the prime contractor to have some basis for claim. Successful Building Blocks for a successful claim - well prepared schedules, detailed and thorough documentation, good cost accounting system, timely requests for change orders, time extensions, relentless follow-up, proper pricing & negotiating, understanding of rules and procedures.

Anwar provided examples of a cost coding system where you track bid line items, actual cost of line items, and variance. This system is updated every week to show project costs.

Change orders should be tracked separately from this system. Paste addendums/amendments to specs/drawings. Make sure you know what documents have precedence on the project (for MDT projects Question & Answer Forum has top ranking). Get change order rates at the beginning of the project. Five project logs to keep: Master Submittal Log; Request for Information; Change Order Log; Back-charges Log; Letter Log. Master Submittal Log will identify show stoppers (quality control and safety plans, permits); identify long lead-time items, protest design delays in writing.

The Daily Report tracks crew movement, change of work, interruptions/delays (include pictures of delay), segregate labor/materials/equipment, segregate

contract work and change work, specify exact location of work, identify problems. Court tends to give more credence to this well-documented report.

If architect states "use your own interpretation" - get it in writing. Here is my interpretation of the specifications, do you agree?

When you hit Differing Site Conditions - Know definition, Stop work, must give written notice (prompt discovery and before conditions are disturbed), and seek written direction.



2005 Assistance Business Clinics

The clinics are geared to **new** and **established** employer/ business owners to give valuable up-to-date information regarding tax rules & laws (withholding & reporting), tax credits, personnel issues and services available at your local Workforce Centers.

<u>Dept. of Labor & Industry</u>	<u>Job Service</u>	<u>Dept. of Revenue</u>
Wage & Hour, Human Rights, Unemployment Insurance Benefits, Unemployment Insurance Tax	Employer Tax Credits, Customized Human Resource Assistant	Withholding Tax

City	Contact	Date
Kalispell	Chamber of Commerce 406-758-2800	10-May
T. Falls	Job Service 406-827-3472	11-May
Helena	Chamber of Commerce 406-447-1941	25-May
Dillon	Job Service 406-683-4259	7-Jun
Bozeman	Chamber of Commerce 406-586-5421	8-Jun

* Higher prices indicated are for participants that are not current chamber members and ** are for 2 or more attending participants.

DEQ Small Business Assistance Environmental Management Workshops Planned

Two workshops on developing and implementing an Environmental Management System (EMS) is being offered by the Montana Manufacturing Center (MMEC) in partnership with the Montana Department of Environmental Quality (DEQ).

- **June 7th**
Billings Hotel & Convention Center
- **June 9th**
Missoula at the Grant Creek Inn

Participants will learn more about planning for sustainability, the assessment process and details associated with implementation that can use your organization's existing environmental system. Registration fee is \$30 and includes lunch. Online registration will be available at www.mtmanufacturingcenter.com. Please contact Bonnie Rouse (DEQ) with any questions you may have at brouse@mt.gov or 1-800-433-8773.

MDT HIGHWAY CONSTRUCTION PROJECTS

Invitation for Bids, Letting of May 26, 2005

Sealed bids on the following projects will be received by the Montana Department of Transportation-Highways Division, Contract Plans Bureau, Room 101, 2701 Prospect, Helena, Montana until 9:00 a.m. on May 26, 2005, the bids being publicly opened and read thereafter at 10:00 a.m. in the Department's auditorium.

1. **Meriwether – East & Alkali Lake Wetland Mitigation - Federal Aid Project No. NH-NHTSA 1-3(36)234 F & STPX-NH 37(26)** - Grading, gravel, CTB, surfacing, drainage and fencing on 21.3 kilometers on the Meriwether – East project on US 2, in Glacier County. **MANDATORY PRE-BID CONFERENCE.** The Disadvantaged Business Enterprises' contract goals are 3.0%.
2. **Clagett Hill - Federal Aid Project No. MT 236-1(10)44** - Grading, gravel surfacing in Fergus County. The Disadvantaged Business Enterprises' contract goals are 1.5%.
3. **East of Hardin – East & 9 km South of St. Xavier – South - Federal Aid Project Nos. STPS 384-1(19)13 & SFCS 313-1(14)29** - SFCS 313-1(14)29 – Plant mix bituminous surfacing, seal and cover, and bridge rail revision and deck membrane South project in Big Horn County. **MANDATORY PRE-BID CONFERENCE.** The Disadvantaged Business Enterprises' contract goals are 0.0%.
4. **Lockwood to Johnson Ln. - Federal Aid Project No. STPX 56931(2)** - Cold milling, plant-mix bituminous surfacing, seal & cover, and pavement markings. The entire project is located within the Billings Urban Limits in Yellowstone County. The Disadvantaged Business Enterprises' contract goals are 0.0%.
5. **2001 – D1 – Electrical - Federal Aid Project No. STPHS 0002(758)** - 2001-D1-Electrical consists of the installation and/or upgrade of flashing beacons and luminaries. The Disadvantaged Business Enterprises' contract goals are 0.0%.

Make Your Workplace Safer !

Article provided by Diane Ruff—Associated Employers of Montana (AEM)

The first or direct-line supervisor manages the day-to-day operation of a company. Employees quickly learn what actions make their supervisor happy. The importance of a safety program and the prevailing attitude about safety policies and procedures is directly related to the supervisor's approach and level of importance given to safety issues. Supervisors truly set the tone for any safety program.

Consider the following five things you could do to improve safety for your company:

1. Supervisors need to lead the safety program by setting the example. There is an old saying that safety is caught, not taught. Let your employees see your safety attitude in action.
2. Learn how to preplan for safety by performing hazard assessments on routine and non-routine tasks. Assess the hazards of a work operation before workers perform that activity. Ask yourself, "What could go wrong and how can we prevent it?"
3. Catch an employee doing something right. It is so easy to catch someone doing something wrong. Instead, use

positive reinforcement by pointing out employees demonstrating a correct, safe action that protects themselves and their coworkers.

4. Investigate all accidents. Make your employees aware that you need to know about near misses and first aid cases, as well as recordable injuries, restricted duty, and lost time accidents. Educate employees that the investigation is for fact finding not fault finding, with goal of preventing it from happening again.
5. Talk to your employees to find out if their minds are focused on the job or if they are distracted by either work problems or personal issues. Many accidents are caused when an employee is present in body only, while their mind has drifted somewhere else.

Remember, as a supervisor or manager, you are responsible for the safety conditions and safety attitude in your workplace. Make it part of your everyday routine and see how your actions impact the actions and attitudes of your employees.



More MT Contracting Opportunities

Anita Dam Reconstruction, Blaine County, Bid Due Date: May 13, 2005, Bureau of Land Management, 406-896-5196

AWARE Inc. Transit Project, Butte, MT, Construction and Related Improvements at Project Site in Butte, Bid Due Date: May 26, 2005, Pre-Bid Conference is May 19, 2005. Copy of Plans are available at Walter Hinick & Associates, 406-782-4616, Contact Michael O'Neill 406-449-3120 ext 11 for further information.

Call When Needed Heavy Equipment, 055570 CWS, Department of Natural Resources and Conservation, Bid Due Date: June 1, 2005, <http://www.discoveringmontana.com/doa/gsd/osbs/default.asp>

Cilly Bridge Replacement, Department of Natural Resources and Conservation, Bid Due Date: May 25, 2005, <http://www.discoveringmontana.com/doa/gsd/osbs/default.asp>

Dawson Community Airport - Fencing, Bid Due Date: May 12, 2005, Morrison-Maierle, 406-442-3050, Construction of animal control fence, chain link fence, and modify chain link fence.

Dawson Community Airport - Fuel Modification, Bid Due Date: May 12, 2005, Morrison-Maierle, 406-442-3050, Modify existing gas fuel facility.

Eureka Airport, Bid Due Date: May 18, 2005, Morrison-Maierle, 406-442-3050, Gas Fuel System, Weather Station Electrical Installation.

Libby Creek Lower Cleveland Project, IFB05-1110P, Montana Fish, Wildlife & Parks, Bid Due Date: May 19, 2005, Excavation of Creek Channel, <http://www.discoveringmontana.com/doa/gsd/osbs/default.asp>

Park Lake Improvements Project, Bid Due Date: May 26, 2005, Hydrometrics, Inc. 406-443-4150, Replacement of existing spillway pipe, grade existing spillway, erosion control cut-off wall and rip rap, reconstruction existing dam embankment.

Request for Proposal - Siyeh Development Corporation for the construction of a new 15,000 sq ft casino building on the Blackfeet reservation. Bid Due Date: May 25, 2005, Smokey Plummer 406-338-5660 Ext 108

Shelby Airport Improvement, AIP 3-30-0069-007-2005, Toole County, Bid Due Date: May 20, 2005, Building Construction, Asphalt Pavement Repair, Robert Peccia 406-447-5000

Smith River-Dam Rehabilitation, Meagher County, Bid Due Date: May 12, 2005, MT Dept of Natural Resources and Conservation, HKM Engineering, 406-656-6399

Spring Meadow State Park Landscaping Project, Bid Due Date: May 19, 2005, Montana Fish, Wildlife & Parks, 406-841-4005

Stillwater Excavating, 055510CSW, Department of Natural Resources and Conservation, Bid Due Date: May 25, 2005. <http://www.discoveringmontana.com/doa/gsd/osbs/default.asp>

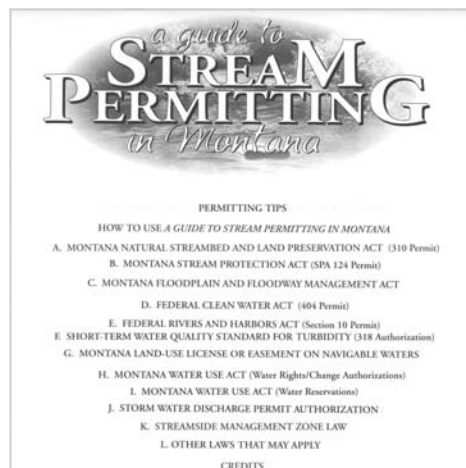
Street Improvements, Glasgow, MT, Bid Date: May 16, 2005, City Clerk, Glasgow, 406-228-2476

NOW AVAILABLE

Montana DNRC Permitting Guide

A useful guide for contractors to help with applying and understanding environmental permitting for construction projects. To view the guide go to

<http://www.dnrc.mt.gov/cardd/strmpmt/stream.htm> or contact the DBE Supportive Services Office for a copy at 800-883-5811 or earterburn@mt.gov



QUOTE OF THE MONTH

"The most important single ingredient in the formula of success is knowing how to get along with people."
Theodore Roosevelt

MDT Civil Rights Bureau

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250 copies of this public document were published and distributed at an estimated cost of 87 cents per copy for a total of \$217.50. MDT attempts to provide reasonable accommodations for any known disability that may interfere with a person participating in any service, program or activity of the Department. Alternative accessible formats will be provided upon request. TTY 800-335-7592



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